

REMARKS

All of the claims of the application stand rejected in light of the primary combination of Aktien '103 in light of Lessard '650. Other claims stand rejected in light of the primary combination in further view of Gerhard et al. '156 or Halley '924.

Claim 1 has been amended to include limitation that the coagulant is allowed to coagulate some of the foam for a controlled period. The controlled period is further specified as being such that the garment or garment material, when subjected to a temperature of  $20 \pm 2^{\circ}\text{C}$  and a relative humidity of  $65 \pm 2\%$  for 265 minutes, will hold between 1.0 mg and 8.5 mg water per  $\text{cm}^2$  of the garment material. Support for incorporation of these limitations into claim 1 may be seen in original claim 46 and also on page 17, lines 15-32, and in Table 1 of the specification on page 18.

These locations are taken from the amended text filed as Exhibit B in conjunction with the Preliminary Amendment submitted in this application.

Turning to the art based rejection of the claims, the step of removing uncoagulated foam from the substrate to leave a layer of uncoagulated polymeric material on the substrate, as now required by claim 1, results in a porous breathable layer of polymeric material with an open cell structure and porous surface. This method step is not disclosed in either GB 717,103 or WO 95/26650. WO 95/26650 discloses a material comprising a substrate and a layer of foamed polymeric material but does not disclose the step of removing uncoagulated foam. The purpose of the foam is merely to add bulk to the final product, and the layer of polymeric material is designed to be a liquid repellant. The outer layer of polymeric material is not removed, and so a skin would form over the foam. This reference also discloses the step of applying further coagulant to the cured foam to enable the application of an additional fabric layer to the foam. This teaches away from the idea of an open porous surface since the material set forth in the reference is designed to be waterproof.

GB '103 uses compressed air to remove uncoagulated solution which is not foamed from between the fabric meshed to leave a perforated fabric. If a foamed polymeric material were used, it would not form a lamellae between the fibers of the mesh that can be removed using the method

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disclosed in this reference. Additionally, the material is designed to be breathable and therefore teaches the opposite of the waterproofed material of WO '650. Accordingly, there is nothing to lead the skilled artisan to combine the '103 and '650 references and there are indeed good reasons for him not to do so. The present invention seeks to provide a method of producing a material that is both foamed and breathable, and given the opposite teachings of the two cited references, there is nothing to suggest that these two references could provide a solution to this problem. Additionally, neither document teaches the requirement for water absorption within the values now set forth in amended claim 1. This feature has been added to further distinguish it from the prior art. Accordingly, it is submitted that the present invention is sufficiently inventive over the primary reference combination cited by the Examiner

Further, neither the Seibert et al. '156 nor Halley et al. '924 references cure any of the deficiencies of the above noted primary reference combination. In light of the above, reconsideration and reversal of the rejections set forth in the Office Action of November 13, 2008 are respectfully requested.

The Examiner is invited to call the undersigned attorney if, during the course of reconsideration of this application, any questions or comment should arise.

Respectfully submitted,

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